

A. G. Contract No. KR98 1109TRN  
ADOT ECS File: JPA 98-84  
Proj: Rural Public Transportation  
Sect: FY98-99 Section 5311 Transit

INTERGOVERNMENTAL AGREEMENT

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE TOWN OF MIAMI  
500 Sullivan Street  
Miami, AZ 85539

99-94

THIS AGREEMENT is entered into 22 July 1998, pursuant to Arizona Revised Statutes Section 11-952 through 11-954 as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF MIAMI, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 and 28-334 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. The Federal Transportation Equity Act, Twenty First Century of 1998 has made funds available to the State to obtain and provide public transportation (Section 5311 transit). The State and the Town desire to define their respective responsibilities relating to the transfer of up to \$46,520.00 thru the State to the Town and the expenditure thereof. \$94,857

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 22522  
Filed with the Secretary of State  
Date Filed: 07/22/98

Letty Bayless  
Secretary of State

By Wick V. Gruenewald

19-21

## II. SCOPE

### 1. The State will:

*#94,587* Provide the Town federal funds in the amount of up to ~~\$46,520.00~~, on a monthly cost reimbursement basis for activities performed relating to the Section 5311 public transportation program.

### 2. The Town will:

a. Apply funding to project work activities in strict accordance with applicable Federal and State laws, rules and regulations.

b. Conduct related work activities generally in accordance with Exhibit 1 and attachments thereto, which are incorporated herein and made a part hereof. Be responsible for all costs of the program over and above the State contribution of ~~\$46,520.00~~.

*#94,587* c. Provide the required *#52,707* ~~\$33,608.00~~ match in funds or in-kind services, and invoice the State for reimbursement no more often than monthly.

## III. MISCELLANEOUS PROVISIONS

1. The only interest of the Arizona Department of Transportation in this agreement is to convey federal pass through funds for the use and benefit of the Town by reason of State and Federal law under which funds for the activities are authorized to be expended.

2. This agreement shall remain in force and effect until completion of said activities and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

3. Should the work contemplated under this agreement be completed at a lower cost than the reimbursed amount, or for any other reason should any of these funds not be expended, a proportionate amount of the funds provided shall be reimbursed to the State.

4. This agreement shall become effective upon filing with the Secretary of State.

5. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

6. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

7. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

8. All notices or demands upon any party relating to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007


Town of Miami  
Town Clerk  
500 Sullivan Street  
Miami, AZ 85539

9. Attached herto is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

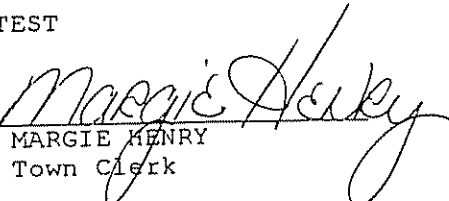
TOWN OF MIAMI

By

  
JOE SANCHEZ  
Mayor

ATTEST

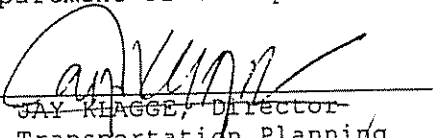
By

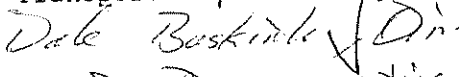
  
MARGIE HENRY  
Town Clerk

STATE OF ARIZONA

Department of Transportation

By

  
JAY KHAGGE, Director  
Transportation Planning

  
Dale Baskin, Dir.  
TPD Acting



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

JANET NAPOLITANO  
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085

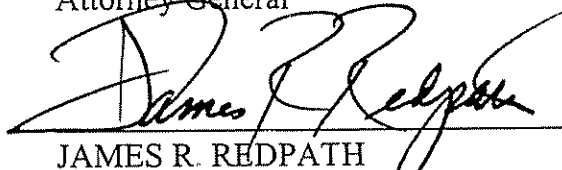
**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR99-1326TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED September 13, 1999.

JANET NAPOLITANO  
Attorney General

  
JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:et/87743

Enc.



**ATTORNEY GENERAL**  
**CIVIL DIVISION**  
**TRANSPORTATION SECTION**

**MEMORANDUM**

**TO:** Jack Hammitt  
Joint Project Coordinator 616E

**FROM:** James R. Redpath  
Assistant Attorney General

**DATE:** June 30, 1999

**RE:** IGA/The Cities of Show Low, Cottonwood, Coolidge, Sierra Vista, Bisbee,  
Pima County, Sunsites Transportation, The Hopi Tribe, Navajo Nation, Salt  
River Pima-Maricopa Indian Community and the Town of Miami  
AG Contract No. KR99-1326TRN through KR99-1336TRN  
ECS File No. JPA99-94 through 99-104  
Section: FY99-00 Section 5311 Transit

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Prior to approval of these agreements liability language needs to be added to each. With this addition, they would then be in the appropriate form for approval.

JAMES R. REDPATH  
Assistant Attorney General

JRR:eu75748

Enc.